

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

*In re Cedar Shake and Shingle Antitrust
Litigation*

This Document Relates to:
ALL CLASS ACTIONS

CASE Nos.
2:19-cv-00288-MJP
2:19-cv-00451-MJP
2:19-cv-00577-MJP

**PRETRIAL CONSOLIDATION AND
INITIAL CASE MANAGEMENT
ORDER**

The following Order shall govern pretrial matters in the above-referenced actions.¹

PRETRIAL CONSOLIDATION

1. *Liebo, et al. v. Cedar Shake & Shingle Bureau, et al.*, No. 2:19-cv-00288 shall be designated the “End User Action.”²
2. *Fraser Construction Company, Inc., et al. v. Cedar Shake & Shingle Bureau, et al.*, No. 2:19-cv-00451 shall be designated the “Reseller Action.”
3. *Bradow v. Cedar Shake & Shingle Bureau, et al.*, No. 2:19-cv-00577 shall be

¹ The Parties are continuing to meet and confer with S&W Forest Products Ltd. (Case No. C19-202 MJP, W.D. Wash.) regarding coordination of its action with these proceedings.

² Pursuant to the Court’s Stipulation and Order to Consolidate Cases, No. 2:19-cv-00784-MJP ECF No. 32, the case *ZRD Group, LLC v. Cedar Shake & Shingle Bureau, et al.*, was consolidated with the *Liebo* End User Action.

1 designated the “Direct Purchaser Action.”

2 4. The End User Action, the Reseller Action, and the Direct Purchaser Action shall
3 collectively be referred to as the “Class Actions.”

4 5. This order does not constitute a determination that these actions should be
5 consolidated for trial, nor does it have the effect of making any entity a party to an action in
6 which it has not been joined and served in accordance with the Federal Rules of Civil Procedure.

7 6. Any lawyer who has been admitted pro hac vice in any of these actions need not
8 seek pro hac vice admission in any other action; a single pro hac vice admission in the
9 consolidated Class Action proceedings is sufficient. Any lawyer who has filed a notice of
10 appearance in any of the above Class Actions need not notice an appearance in any other action;
11 a single notice of appearance in these consolidated proceedings is sufficient. It is incumbent
12 upon the lawyer to ensure his or her appearance is listed in the consolidated proceedings for ECF
13 purposes.

14 **CAPTION**

15 7. The Class Actions will be coordinated into one docket for pretrial purposes only
16 into Case No. 2:19-cv-00288-MJP. Every pleading or other document filed in any of the Class
17 Actions listed above, and in any separate action subsequently consolidated herewith, must bear
18 the following caption and be filed in the following case:

19
20 UNITED STATES DISTRICT COURT
21 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

22 *IN RE CEDAR SHAKE & SHINGLE*
23 *ANTITRUST LITIGATION*

No: 2:19-cv-00288-MJP

24 This Documents Relates to:

25 8. When a filing is intended to be applicable to all Class Actions to which this Order
26 is applicable, the words, “All Class Actions” shall appear immediately after the words, “This

1 Document Relates to:" in the caption above. When a filing is intended to be applicable only to
2 some, but not all of such actions, the group name (*e.g.*, Direct Purchaser Action, Reseller Action,
3 or End User Action) and unique docket number or case name for each action to which the filing
4 is intended to be applicable shall appear there.

5 9. Case Nos. 2:19-cv-00451 and 2:19-cv-00577 shall be administratively closed.
6
7 The administrative closure of these cases does not trigger any deadlines nor does it affect the
8 substantive rights of any of the parties, such as their right to appeal. Any party in the Direct
9 Purchaser Action or Reseller Action may move at any time to have their respective case dockets
10 reopened.

11 **NEWLY FILED OR TRANSFERRED ACTIONS**

12 10. Counsel must call to the attention of the Clerk the filing or transfer of any case
13 that might properly be coordinated with these actions and identify the group of actions to which
14 it belongs.

15 11. **Privileges Preserved.** No communication among Plaintiffs' counsel or among
16 Defendants' counsel shall be taken as a waiver of any privilege or protection to which they
17 would otherwise be entitled.

18 **STATUS CONFERENCES**

19 12. The first status conference will take place on **Thursday, October 3 at 9:00 am.**
20 The Court will set the time and date for subsequent status conferences at the conclusion of each
21 status conference. Except as otherwise indicated by the Court, counsel for any party may attend
22 status conferences by telephone. The Court will provide a phone bridge line for counsel's use.
23 No later than 48 hours prior to the scheduled time for any status conference, the parties shall file
24 a joint notice of no more than two pages that lists the issues a party or parties wish to discuss at
25 the status conference, or that advises the Court that no status conference is needed, . The parties
26 shall refrain from making arguments in this joint notice.

1 13. All Parties to Class Actions will accept service of pleadings, motions, discovery
2 requests, discovery responses, and similar documents by email.

3 14. Pursuant to the Court's Minute Entry (Dkt. 44), Counsel for Plaintiffs in the Class
4 Actions designate Kim Stephens of Tousley Brain Stephens and Defendants designate Heidi
5 Brooks Bradley of Lane Powell as contact counsel for the Court.

Agreed this 21st day of August, 2019.

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1 **IT IS SO ORDERED.**

2 Dated: __August 28__, 2019.

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5 Marsha J. Pechman
6 United States Senior District Judge